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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,884	02/27/2002	Alin D'Silva	01-1002	2137

32127 7590 11/28/2005

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EXAMINER	
TAYLOR, BARRY W	

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/083,884	D'SILVA ET AL.	
	Examiner	Art Unit	
	Barry W. Taylor	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 10 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Examiner is unable to determine from the originally filed specification as to how one of ordinary skill in the art would be able to make and use the invention. The specification provides no basis for the claimed subject matter. Specifically, as by way of example, claim 10 generally recites, "attempting to connect the telephone call to a third device associated with the subscriber at the indication location and separate from the second device". The Examiner is unable to find support for this in applicants originally filed specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-9, 11-25 and 27-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0147811 (Schwartz et al hereinafter Schwartz) in view of Bedingfield (6,665,388) further in view of Nadeau (6,240,449).

Regarding claims 1, 11 and 18. Schwartz teaches a system and method for supplying calling party information to a called party via a network comprising a telephone network, a data network, and at least one gateway device connected to both the telephone network and the data network (see figure 2 wherein calling party 14 information supplied to called party 12 via telephone network 24, a data network 22, and at least one gateway device 10 connected to both networks), comprising:

receiving by the gateway device (see 10 figure 2), via the telephone network (see 24 figure 2), signaling information representing a telephone call from the calling party (14 figure 2) to the called party (12 figure 2), the signaling information comprising called

party information (see paragraphs 0004, 0025, 0036, 0044, 0046, 0047, 0048, 0049-0053, 0058-0060);

obtaining the calling party (14 figure 2) based on the signaling information; and

providing the calling party (14 figure 2) information to the called party via the data network (22 figure 2 when voice communication proves in not wanted 0025-0026, see figure 2 wherein CTI interface used to pass caller id information from calling party 14 through data network 22 to be presented on called party 12 always on display, see instant messaging tables 1 and 2).

Schwartz fails to teach providing calling party information on a second device associated with the called party (see Applicant's amended independent claim language and Applicant's remarks on paper dated 6/25/04, Amendment "A", page 25 lines 6-13).

Bedingfield teaches a system and method that also uses voice network (see 48 figure 2) to allow calling party (46 figure 2) to place telephone call to called party (see called party telephone 22 figure 2) and the data network (52 figure 2) used to provide calling party information (col. 2 lines 1-67, col. 4 lines 9-32, col. 6 line 35 – col. 8 line 30) to nearby data device (see item 50 figure 2, col. 4 lines 16-21, col. 6 lines 36-43, col. 6 line 62 – col. 7 line 67, col. 8 lines 22-30).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Bedingfield into the teachings of Schwartz providing for a more flexible caller id system that allows PC and telephones to be located in different rooms, as well as, providing the name and telephone number of parties calling

on separate line to be revealed to PC users connected to the Internet without the PC users having to leave the confines of their PC environment as taught by Bedingfield (col. 2 lines 11-17, col. 4 lines 16-21, col. 6 lines 36-43).

According to Applicants, Schwartz in view of Bedingfield fail to teach determining if device is on-line and storing calling party information if the device is not currently on-line and providing the stored calling party information when the second device is back on-line (see amendment to independent claims 1, 11 and 18, comment on page 9, paper dated 9/15/05).

Nadeau teaches PSTN and data network used to allow users the ability to choose to complete calls through PSTN at specified times or route over Internet when device currently connected (abstract, col. 4 lines 2-45, col. 9 line 18 – col. 11 line 32, col. 11 lines 61-64, col. 12 lines 1-4, col. 12 lines 21-31, col. 12 lines 49-52).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Nadeau into the teachings of Schwartz in view of Bedingfield in order to allow customers the ability to customize when and where to route incoming call information.

Regarding claims 2, 12 and 19. Schwartz shows instant message used (see always on display paragraphs 0028 and 0030, see instant messages tables 1 and 2). Bedingfield also shows data network used to provide caller id of incoming call to user's

PC (col. 2 lines 1-67, col. 4 lines 16-21, col. 6 lines 36-43, col. 7 lines 64-67, col. 8 lines 22-30).

Regarding claim 3. Schwartz shows public service telephone network (see 24 figure 2). Bedingfield also shows public service network (see 48 figure 2).

Regarding claim 4. Schwartz shows wireless telephone network (see digital cellular network paragraphs 0027-0032, see wireless telephone used in EXAMPLES starting at the bottom of page 5).

Regarding claims 5, 14 and 21. Schwartz shows providing the calling party (14 figure 2) information to the called party (12 figure 2) comprises displaying the calling party information on a display device visible to the called party (see visual display device paragraph 0030, see visual display 16a figure 3). Bedingfield also shows data network used to provide caller id of incoming call to user's PC (col. 2 lines 1-67, col. 4 lines 16-21, col. 6 lines 36-43, col. 7 lines 64-67, col. 8 lines 22-30).

Regarding claims 6, 13 and 20. Schwartz shows using switch for obtaining calling party information (see figure 2 wherein CTI interface enables switches the ability to obtain and transform received calling party information).

Regarding claims 7, 15 and 22. Schwartz teaches after CTI interface receives and translates (see rejection for claim 6 listed directly above) calling party data enabling for data network (22 figure 2) the ability to receive calling party information in data form before the calling party information is provided to an "always on" display device of the called party (12 figure 2).

Regarding claims 8, 16 and 23. Schwartz teaches instant message used (see always on display paragraphs 0028 and 0030, see instant messages tables 1 and 2).

Regarding claims 9, 17 and 24. Schwartz teaches using the instant message server (see apparatus 20 figure 2) wherein instant message server used to screen incoming calls to called party (12 figure 2, see EXAMPLE 1 starting on page 5 wherein instant message server used to verify and notify the calling party that the called party is currently in a meeting and the called party will call back after the meeting, see paragraphs 0068-0080 wherein instant message server collects calling party information (i.e. 14 figure 2) including name, number and reason for call so to be presented to called party (i.e. 16 figure 2) yielding a brief insightful summary of the inbound communication). Bedingfield also teaches authenticating (see items 52 and 56 figure 20

Regarding claims 25, 27 and 28. Bedingfield shows the second device is data terminal (see called party's first device is telephone (i.e. 22 figure 2) and called party's second device is PC (i.e. item 50 figure 2)).

3. Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0147811 (Schwartz et al hereinafter Schwartz) in view of Bedingfield (6,665,388) further in view of Albal et al (2003/0147518 hereinafter Albal) or

Nadeau (6,240,449). The following rejection is being made for what is best understood by the Examiner due to the 112 rejection listed above.

Regarding claim 10. Schwartz teaches a system and method for supplying calling party information to a called party via a network comprising a telephone network, a data network, and at least one gateway device connected to both the telephone network and the data network (see figure 2 wherein calling party 14 information supplied to called party 12 via telephone network 24, a data network 22, and at least one gateway device 10 connected to both networks), comprising:

receiving by the gateway device (see 10 figure 2), via the telephone network (see 24 figure 2), signaling information representing a telephone call from the calling party (14 figure 2) to the called party (12 figure 2), the signaling information comprising called party information (see paragraphs 0004, 0025, 0036, 0044, 0046, 0047, 0048, 0049-0053, 0058-0060);

obtaining the calling party (14 figure 2) based on the signaling information; and

providing the calling party (14 figure 2) information to the called party via the data network (22 figure 2 when voice communication proves in not wanted 0025-0026, see figure 2 wherein CTI interface used to pass caller id information from calling party 14 through data network 22 to be presented on called party 12 always on display, see instant messaging tables 1 and 2).

Schwartz fails to teach providing calling party information on a second device associated with the called party (see Applicant's amended independent claim language and Applicant's remarks on paper dated 6/25/04, Amendment "A", page 25 lines 6-13).

Bedingfield teaches a system and method that also uses voice network (see 48 figure 2) to allow calling party (46 figure 2) to place telephone call to called party (see called party telephone 22 figure 2) and the data network (52 figure 2) used to provide calling party information (col. 2 lines 1-67, col. 4 lines 9-32, col. 6 line 35 – col. 8 line 30) to nearby data device (see item 50 figure 2, col. 4 lines 16-21, col. 6 lines 36-43, col. 6 line 62 – col. 7 line 67, col. 8 lines 22-30).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Bedingfield into the teachings of Schwartz providing for a more flexible caller id system that allows PC and telephones to be located in different rooms, as well as, providing the name and telephone number of parties calling on separate line to be revealed to PC users connected to the Internet without the PC users having to leave the confines of their PC environment as taught by Bedingfield (col. 2 lines 11-17, col. 4 lines 16-21, col. 6 lines 36-43).

Schwartz in view of Bedingfield fail to teach receiving, from the called party, an indication of one location from among a plurality of locations, to which communications to the called party are to be directed and attempting to connect the telephone call to a third device associated with the subscriber at the indicated location and separate from

the second device (see amendment to claim 10, paper dated 9/15/05 and comments on page 10).

Albal teaches system and method for providing caller id to called party (title, abstract, paragraphs 0016 - 0019) to a phone or location in which subscriber can be reach (see paragraphs 0026, 0036) enabling subscribers the ability to select where incoming calls are to be sent (i.e. home, mobile, work, etc.) without the need to have caller identification enabled device to have access to the caller identification features, thus saving money (paragraph 0036).

Nadeau teaches PSTN and data network used to allow users the ability to choose to complete calls through PSTN at specified times or route over Internet when device currently connected (abstract, col. 4 lines 2-45, col. 9 line 18 – col. 11 line 32, col. 11 lines 61-64, col. 12 lines 1-4, col. 12 lines 21-31, col. 12 lines 49-52).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Albal or Nadeau into the teachings of Bedingfield in view of Schwartz providing for a more flexible caller id system that allows subscribers the ability to receive caller id feature when they are on travel

Regarding claim 26. Bedingfield shows the second device is data terminal (see called party's first device is telephone (i.e. 22 figure 2) and called party's second device is PC (i.e. item 50 figure 2)).

Response to Arguments

4. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (**571-273-8300**).

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